

REMARKS

In the office action dated June 9, 2008, the examiner rejected claims 1—3, 6—14, 16, 18—30, and 33—35 under 35 USC 103 as unpatentable over Thomas (USP 7134130) in view of Johnson et al. (USPA 2004/0078806) (hereinafter Thomas and Johnson) and claims 4—5 under 35 USC 103 as unpatentable over Thomas and Johnson and in further view of Gang-Sik Yoon (Korean Pub. No. 10-2000-0033070). In view of the subsequent remarks, Applicants request reconsideration and withdrawal of the examiner's rejections.

Claim Rejections – 35 USC 103

As the examiner indicates in an June 9, 2008 Office Action, Thomas fails to disclose the time range specifications and their use combined with content based specification to monitor or control the viewing of programs on a television or other device where the system is configured to check viewing profiles of viewers viewing the television and identify content-based specifications of the viewers that correspond to a current time and comparing the time sensitive content-based specifications to the program content indicator. In an attempt to address this deficiency, the examiner asserts that Johnson fulfills this deficiency. However, a careful review of Johnson reveals that Hancock does not provide a teaching that:

receiving content-based specifications corresponding to the one or more viewing profiles associated with the one or more viewers present in the viewing area and the selected time range specifications, wherein the one or more viewing profiles include two or more time range specifications and **different content-based specifications corresponding to each of the two or more time range specifications;**

as claimed in claim 1, or

selecting a viewer specification corresponding to the viewer indicator,  
wherein the viewer specification comprises **different content-based rating  
specifications corresponding to each of two or more time range specifications;**  
as claimed in claim 23.

This limitation, especially that which is provided in bold face is clearly illustrated in Figures 3B, 4B and 5B and described in paragraphs 0051 through 0067 of the specification. As clearly shown in Figures 6 of Johnson, Johnson merely describes being able to select for a give user or group profile content ratings above which viewing is block and time periods during which viewing is allowed. This differs from and teaches away from the claimed invention in two distinctive respects. First, although Johnson may describe the ability to select more than one viewing period, the content ratings for each of the selected viewing periods are the same. As shown in Figure 6 of Johnson, during the first and second selected viewing time periods of 4pm to 8pm on weekdays and 8am to 10pm on weekends, all shows with a movie rating of PG-13 and above or TV rating of TV-14 and above are blocked. Unlike the claimed invention, there is no difference in the content ratings for the first and second viewing time periods of Johnson. Second, if the reference or actual time is outside the selected viewing time periods, Johnson blocks all viewing. In contrast, the claimed invention allows viewing based on default settings.

In view of the foregoing, Applicants respectfully submit that Thomas and Johnson, alone or in combination do not meet or suggest all of the limitations of claims 1, 23 and 27 and, thus, cannot establish a prima facie case of obviousness for claims 1, 23 and 27 and dependent claims 2—14, 16, 18—22, 24—26, 28—30 and 33—35.

The examiner's reliance on Yoon was solely for the purpose of its teaching reference the storage of images of selected individuals and, thus, does not solve the deficiency noted above with regard to Thomas with regards to claim 1.

Accordingly, claims 1, 23 and 27, and claims 2—14, 16, 18—22, 24—26, 28—30 and 33—35 by virtue of their dependence upon 1, 23 and 27, meet the requirements for patentability under 35 USC 102 and 103.

CONCLUSION

Applicants respectfully assert the application is in condition for allowance. Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: November 11, 2008

By: /Kenneth S Roberts/  
Kenneth S. Roberts  
Reg. No. 38,358

4 Park Plaza, Suite 1600  
Irvine, CA 92614-2558  
Tel. 949-567-6700  
Fax: 949-567-6710